

1859-014
Lee Co.

Chancery Causes: Heirs of James Newman vs Heirs of Michael Myers

Harris, Fee, Noe

CA-Contract Dispute
T-Property

To the Worshipful County Court of Lee County in Chancery sitting, the bill of complaint of James A. Harris & Lucretia his wife formerly Lucretia Newman, James Jefferson Newman, Willis Harris & Harriett his wife formerly Harriett Newman, Andrew J. Newman, Patterson Newman, Joseph Newman, Samuel Newman, & Polly Newman, children and heirs of James Newman deceased, the three last mentioned of whom are infants under the age of twenty one years who sue by James J. Newman their next friends, respectfully represents:

That on the ~~30th~~^{18th} day of ~~October 1833~~^{July 1833} a certain Michael Myers and John Myers, of said County, purchased from Sophia Faile, of the County of Wythe, one half of a tract of land of 770 acres, consisting of two surveys adjoining each other of 400 and 370 acres respectively. This land belonged jointly to the said Sophia one half, and to John Chapman & others the other half, and partition thereof was ^{soon after said purchase was made, so as to allot her part to said Sophia} made between them. Shortly after said purchase was made, a written contract was made between the said Michael & John Myers of the one part, and the said James Newman of the other part, dated on the 8th day of December 1833, by which it was agreed between the parties, that the said James Newman was to be an equal owner & tenant in common with them in the purchase of the said land, ^{the said Michael & John Myers bound themselves} and ^{to} make him a good and sufficient title to the one third part of said tract so soon as they should receive a conveyance therefor, and in consideration thereof the said James Newman bound himself to make equal payments with the said Michael & John Myers of the purchase money of said land at the times and sums by them contracted to be paid therefor, and in all respects the said parties were to be equal tenants in common with each other in the payments, enjoyments, &c; the complainants file herewith an office copy of said agreement, ^{marked (A.)} the original being on file in the records of the Circuit Court of this County in a chancery suit formerly pending therein. The purchase

money contracted by said Michael & John Myers to be given for said land was \$1925, as appears from the said agreement (A). All of said purchase money was fully paid up, ^{The said James Newman having paid his equal third part, according to contract} and the said Michael & John Myers and the said James Newman were put in possession of their respective shares of said land, and they & those claiming under them have ever since held & enjoyed the same without interruption, and still so hold.

A few years after the said sale was made, Sophia Faircliff died, without having conveyed the said land to the said purchasers from her; and afterwards, to wit, about the

day of a suit in Chancery was instituted in the Circuit Superior Court of Law & Chancery of this County by the said Michael & John Myers against the heirs or devisees of the said Sophia, for the purpose of obtaining a conveyance of the legal title, and about the same time another suit in Chancery was brought in the same Court by Michael Myers against the devisees of the said John Myers (he having in the mean time died & some of his devisees being infants) to have partition made of said land between them. These two causes proceeded & were tried together, and by the decree of the said Court the said land was partitioned between the said Michael & John and the legal title thereto conveyed to them for their respective allotments. The said James Newman had also in the mean time died, leaving his children the plaintiffs ^{here}, his heirs at law; they do not appear as parties in either of said causes — in the first, obviously because their father the said James Newman was not a party to the contract of purchase from Sophia Faircliff; but these complainants can assign no good reason why they were not made parties in the last named suit, the object of which was the partition of said land; yet they cannot be affected by such omission, more especially as they were then all minors and wholly ignorant of their rights. But it is apparent from the said decree, that their rights

were admitted and recognized by the said Michael & John's heirs, because the partition made by the Court, and the conveyances made in pursuance thereof, gave to the said John Myers only one equal third part, and to Michael the other two thirds, evidently including the part of these complainants in the portion which was allotted & conveyed to Michael, and of which portion these complainants were then and still are in actual possession claiming under the contracts aforesaid marked (A.). This is more clearly shown by reference to the plat filed in said cause according to which the partition & conveyances were made, officio copies of which decree and plat are herewith filed marked (B.) & (C.) as parts of this bill. The lot marked N^o. 1 on said plat is that which in the actual division of said land was allotted between the parties to the said James Newman in his lifetime, & long before the said suits were brought, & of which he remained quietly in possession as long as he lived, and these complainants have also quietly held the same ever since, & still hold, without any claim thereto whatever by the said Michael or his heirs. It will also appear from said decree and plat, that the conveyance was made to the said Michael Myers for lots N^o. 1 & N^o. 2 consisting of two thirds of said land. The said Michael Myers has since died, about the day of without having conveyed to these complainants the legal title to lot N^o. 1, as he ought to have done, and they have never yet received a conveyance thereof. The agreement aforesaid marked (A.) refers to a previous article of agreement relating to the same matter entered into between the same parties and lodged in the hands of Albert Russell. The agreement (A.) was entered into at Wythe Court House, and was drawn up by a skillful lawyer, because the parties desired the contract to be more formally & perfectly drawn than they had done; a copy of this article marked (D.) is also filed herewith as part of this bill — from this it appears, that the rights of these complainants are substantially the same in both.

The said Michael Myers has left the following children who are his heirs at law, and his widow, viz: Margaret Myers widow of Michael Myers deceased, Henderson Fee & Margaret his wife formerly Margaret Myers, Strother Chadwell Myers, John Noc and Polly his wife formerly Polly Myers, Jackson Noc and Jane his wife formerly Jane Myers, & Eliza Myers, all of whom have have removed from the State of Virginia, and are residing as these compēt̃s are informed in the State of Arkansas.

The prayer of your orators & oratrices therefore is, that the said Margaret Myers widow of Michael Myers deceased, Henderson Fee and Margaret his wife, Strother Chadwell Myers, John Noc and Polly his wife, Jackson Noc & Jane his wife, and Eliza Myers, be made parties dependent to this bill and answer the same on oath; that your worship will decree to the Compēt̃s a conveyance of the legal title to said lot of Land N^o 1 from the said widow & heirs, and cause the same to be made; And that such other & general relief be extended to them as their case may require & may consist with equity: May it please your worship to grant the Compt̃s writ of Sp̃a, directed &c.

Johnston, for compēt̃s

J. Newman's heirs

25. } Title in Chy.

Mr. Myers's heirs

Exhibits birds.

Newman's heirs

is, } Bill in Chy.

M. Myers's heirs

Exhibits filed.

1858. Nov. Rules. Bill, filed & order
publication against the defendants

Newman, him, vs. Myers's heirs &c — Chy.

Henry J. Morgan, the Commissioner appointed by the decree rendered in this cause on yesterday, to make the conveyance therein decreed to be made, this day reported that he had executed and acknowledged a deed to the complete suit as is by the said decree directed, and the said deed if conveyance being seen by the Court and acknowledged before it by the said Commissioner, the said deed is approved and the action of the said Commissioner is affirmed, ^{& the said deed ordered to be recorded,} and it is ordered, that the said Court be allowed one dollar for executing said deed, to be included and taxed in the costs of this suit; and the Court, declining to decree costs to the plaintiffs, and the object of this suit having been attained, doth order that the cause be stricken from the docket.

Newman's heirs.

vt. } Final Deed

M. Myers's heirs.

January term, 1859.

Jan 1859, Grant Book

267

Newman's heirs vs. M. Myers's heirs - Chy.

This cause came on this day to be heard upon the bill of the complt's, the exhibits filed, and was argued by counsel; And it appearing, that the defendants are not inhabitants of this Commonwealth, and that the order of publication against them entered at rules in this cause has been duly published and posted, and more than one month having elapsed and they having still failed to appear and answer the complt's bill, the same is taken for confessed; And it appearing to the Court, that James Newman in his lifetime was entitled, under the exhibit A filed in this cause, to an equal third part of the tract of land in said Exhibit A. mentioned, ~~understands~~ having paid his third part of the purchase money contracted to be paid by John Myers & Michael Myers to Sophia Frill for the said land, and that partition ^{thereof} has heretofore been made in the lifetime of said Newman ^{on the day of} ¹⁸⁴⁶ between him and the said Michael & John Myers, and that in pursuance thereof the said Newman was put in possession of that third part of the said tract of land which is designated, on the plat a copy whereof is filed in this cause as exhibit C., as number 1, and that he and his descendants the complt's have held ever since, and yet hold, the said lot N^o 1 peaceably and without disturbance; And it further appearing, that in pursuance of the decree in the Chancery suit in the bill mentioned, a copy of which is filed in this cause, as exhibit marked B., the legal title was conveyed, by a Commissioner appointed for the purpose, to the said Michael Myers of the said lot N^o 1 as well as his own lot N^o 2, and that the title to lot N^o 1 has not yet been conveyed either to the said Newman in his lifetime or to the complt's since his death; It is therefore adjudged, ordered, & decreed, that Henry J. Morgan, who is hereby appointed a Commissioner for the purpose, do convey, by proper deed acknowledged for record with covenants of special warranty against himself and his heirs, the legal title to the complt's of the said ~~tract~~ lot N^o 1 according to the said plat exhibit C., & report ~~the same~~ to the Court.

Neuman's heirs

v. } Deuce.

M. Myers's heirs

January term 1859.

Order Book Page 26

Virginia

At Rules held in the Clerk's office of the County Court of
Lee County on Monday the 1st day of November 1858,
James A. Harris and Lucetta his wife formerly
Lucetta Newman, James Jefferson Newman, Willis
Harris & Harriett his wife formerly, Harriett Newman,
Andrew J. Newman, Patterson Newman, Joseph Newman,
Samuel Newman, & Polly Newman, Children & Heirs
of James Newman deceased, the three last named
of whom are infants under the age of 21 years
who sue by James J. Newman, their next friend
Complainants

Against

Margaret Myers widow of Michael Myers deceased,
Henderson Fee & Margaret his wife Strother Chadwell
Myers, John Roe and Polly his wife, Jackson Roe,
and Jane his wife, & Eliza Myers; Defendants,

In Chancery

The object of this suit, is to extract from the defendants
a legal title to the land in the bill mentioned;

And it appearing from satisfactory evidence that Margaret Myers
widow of Michael Myers deceased, Henderson Fee & Margaret his
wife, Strother Chadwell Myers, John Roe and Polly his wife
Jackson Roe and Jane his wife & Eliza Myers, are not
inhabitants of this commonwealth; It is ordered that said
defendants do appear here within one month after due publication
of this order, and answer the bill of Complainants or do what is
necessary to protect their interests, and that a copy of this order
be forthwith inserted in some newspaper published in this
commonwealth for four successive weeks, and posted at the
door of the Court House of Lee County

H. J. Morgan, C. C.

Virginia - Lee County to wit

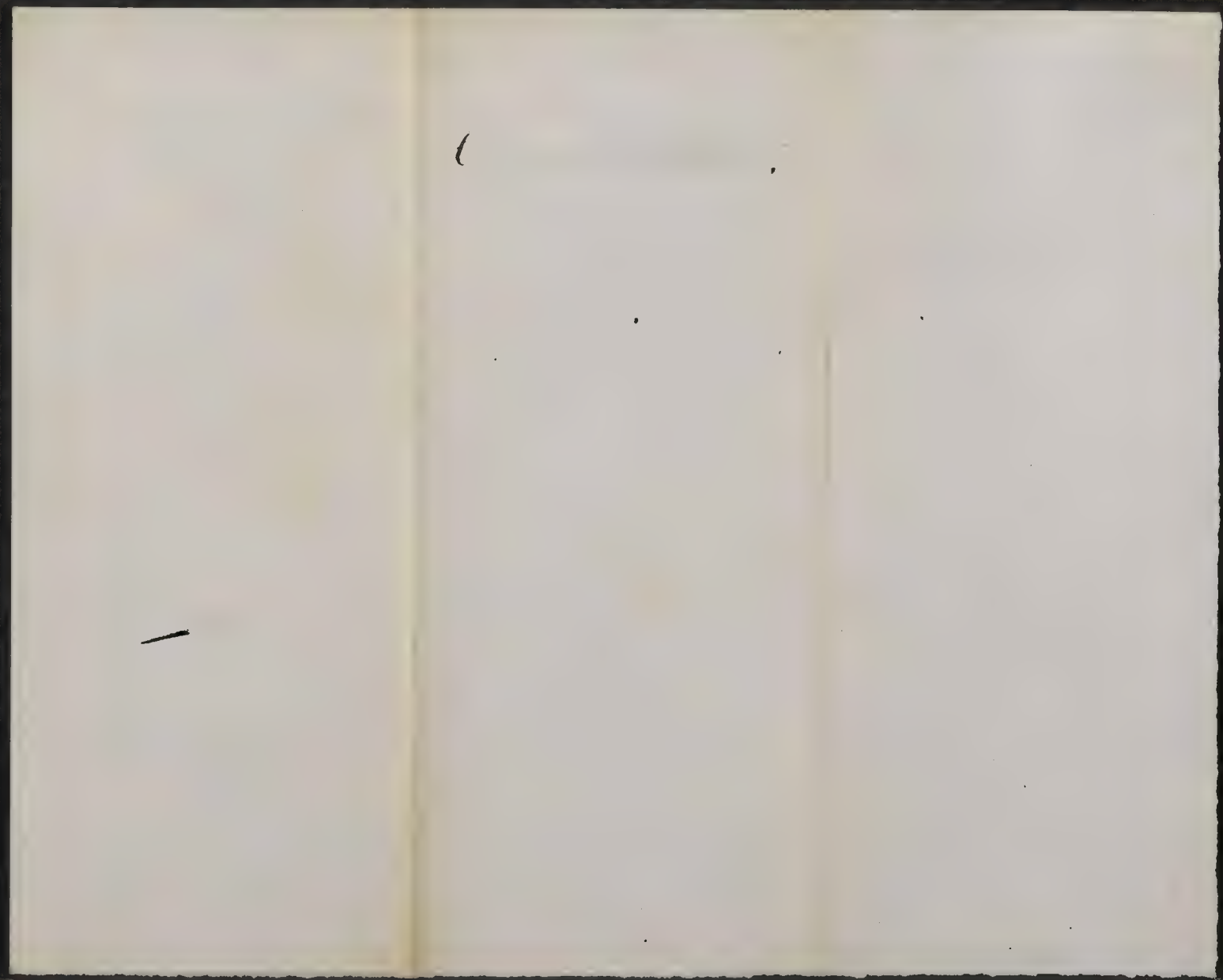
This day personally appeared before the undersigned
a justice of the peace within and for Lee County, Henry J. Morgan and made
oath that he had posted a copy of the above order at the front door
of the Court House of Lee County on Monday the 1st day of Nov. 1858
Given under my hand this 1st day of Nov. 1858

A. R. Can. R. P.

Newmans Heirs

vs { affidavit 1, 2, 3,
Order Publication

Michael Myers Heirs ~



Memorandum of an agreement entered into this eight day of December One Thousand eight hundred and thirty three between Michael Myers, John Myers and James Newman these presents witnesseth, that whereas the above named John Myers and Michael Myers, did on the 18th day of July 1833, purchase of Robert Kent & Sophia Friel, the one half of Seven hundred and Seventy acres of Land lying and being in the county of Lee and State of Virginia, on Lane Creek, which the said Robert Kent & Sophia Friel have bound themselves and their heirs to make unto the said Michael & John Myers a good and sufficient title to the one half of said tract of land, which is undivided, on or before the 25th day of December 1833, The said John & Michael Myers in consideration of the said tract of Land, bound themselves to pay unto the said Robert Kent & Sophia Friel the sum of nineteen hundred and twenty five dollars (Twenty the sum of One Thousand dollars on the first day of December 1833, and the balance in three years from the said first day of December 1833. Now the parties to this agreement (To wit; the said John & Michael Myers, bind themselves and their heirs to make the said James Newman an equal owner and tenant in common with them, the said John & Michael Myers, in the purchase aforesaid and they hereby bind themselves and their heirs to make the said, James Newman, a good and sufficient title to the one third part of said tract of Land, so soon as they have a conveyance from the said Robert Kent and the said Sophia Friel agreeably to an agreement of Division which has been entered into between the aforesaid parties, and which said agreement is now in the hands of Alexander Rybicki of the county of Lee aforesaid, and the said James Newman, in consideration thereof, hereby binds himself and his heirs to make equal payments to the said Robert Kent and Sophia Friel, with the said John & Michael Myers, at the times and terms as they have agreed for the purchase of the said tract of Land, as aforesaid, and in all respects the parties to this contract make

themselves equal tenants in common with each other in
the payments enjoyments subject to the aforesaid agreement
of division which is hereby recognised and ratified and
referred to as part of this agreement, and if either party to this
agreement should make default and refuse to comply with
it in any particular, then in that case he binds himself
to pay by way of penalty, to each of the others the sum of five
hundred dollars and to confirm this our joint act we have
severally hereunto set our hands and seals the day and year
first above written

Teste

Isaac J. Leitch

Michael Myers (Seal)

John ^{his} + Myers (Seal)

James ^{trust} Neuman (Seal)

The foregoing is as I truly believe a correct copy
of an agreement Made & Entered into by the above
parties and which is on file in ^{the papers of} a certain suit
now pending, in the circuit Superior Court of
Law and Chancery for Lee County

Teste

H. J. Morgan, Clk,

Copy of an agreement
between
Myers Myers & Keenan

(A.)

clerk for 60

Michael Myers and The widow and devisees of John Myers deceased compts.
vs The Heirs &c of France dec'd defts. in Chancery, And Michael Myers compts.
vs The devisees of John Myers Defts. in Chancery.

The compts. in the first of these causes this day entered general replication to the answers heretofore filed by the guardian ad litem of the infant defts. and in the last of these causes the ftt. this day entered general replication to the answer of the defts. and also to the answer of the guardian ad litem of the infant defts. and thereupon these causes by consent of parties came on to be heard together on this day of April 1846 upon the Bill and Supplemental bill of the compts. in the first cause and the answer of the infant defts. by their guardian ad litem and other pleadings in the cause and the exhibits and other evidence filed therein and the arguments of counsel, And the last case came on to be heard on this Bill of the compts. The answers and other exhibits filed in the cause and the arguments of counsel. And the court being satisfied from the evidence in the causes that the compts. Michael Myers and the testator of the other compts. had purchased from Sophia Friele in her lifetime the lands in their Bill mentioned the purchase money for which has been fully paid and discharged and that the said Sophia Friele departed this life without making to the compts. a conveyance of the title for the same. And that the legal title to the said land now rests in the Heirs at law and the devisees of the said Sophia Friele against whom the compts. have a right to abstract it. And it appearing by the pleadings and evidence in the last of these causes that the said Michael Myers and John Myers now deceased in his lifetime had enjoyed and possessed the land mentioned in the first case from the time of their purchase thereof from the said Sophia Friele until the death of the said John Myers, and by the said Michael and the devisees of the said John since his death until this time, and that the said Michael and the said John Myers, in his lifetime, had made mutual and fair partition of the said land between themselves according to the interest of each therein, and that from the time of said partition, until this time, the parties have held occupied & possessed, the portions thereof assigned to each in severally, a plat of which partition & assignment, made by the Surveyor of this county is filed in the papers of this cause, by which, and the pleadings in the cause it appears that Lot No. 3 in said plat A is assigned to the said John Myers in his lifetime and occupied by him and his devisees and

since, and that Lots numbered 1 and 2 in said plat, were assigned
to the said Michael Myers in said partition who has occupied
them by himself and those holding under him ever since said
partition was made, but that no title have been made by the parties
to the portions assigned to each, in consequence of the title to
the land not having been yet made from the heirs and devisees
of the said Sophia Friell. — It is therefore ordered adjudged and
decreed by the court, that John W. D. Morison, who is hereby ap-
pointed a commissioner for that purpose, do convey to the complete,
who are the devisees of the said John Myers deceased, according to their
interests therein under the will of their testator, by proper deed, the legal
title to Lot no. 3 in the said plat mentioned and that he convey to the
complete, Michael Myers by proper deed the legal title to Lots num-
bered 1 & 2 in said plat from the infant Defts. who are part
of the heirs at law and devisees of the said Sophia Friell deceased
making such conveyances with Special Warranty from himself and his
Heirs, and that he report his proceedings herein to the court, and time
is reserved to the infant defendants untill six months, after they sever-
ally attain the age of twenty one, years to show cause against this
decree; and it appearing to the court that the heirs at law of the
said Sophia Friell, who have already attained full age, have already
made conveyances to the complete, of their title to the said land, no decree
against them is therefore desired by the complete, and an arrangement
having been made with the complete, by the representative of the estate
of the said Sophia Friell in relation to the costs of this suit, no decree
is therefore asked against him for the costs, and the case is
continued untill the next term,

Pursuant to the above decree I as commissioner have conveyed the
lots in the decree mentioned & as directed thereby

all of which is most respectfully submitted

J. W. D. Morison, Comr.

(13.)

A True Copy from the decree of the circuit Court of
Lee County in the case of Myers vs Myers

Teste H. J. Morgan, D.C.

Article of agreement between John Myers and Michael
Myers of Lee County & State of Virginia of the one part and James
Newman of the County and State aforesaid of the other part do
agree that James Newman is to have a equal part of the tract of land
they purchased of Robert S. Kent and is to pay a equal part for said land
if they get the upper end of the tract and the line goes one hundred and
fifty yards below the big branch sd. Newman is to take a equal
quantity of acres at the lower end and if they get the lower end sd.
Newman and Michael Myers is to divide the land in three parts and
John Myers is to have choice November 23 The 1833 our hands and

Attest.

Isaac Russell,
Alexander Russell.

John ^{his} Myers ^{mark} Seal

Michael Myers Seal

James Newman Seal

A true copy from the original agree-
ment filed in a suit between Michael
Myers complainant & John Myers Devises
Teste

H. Morgan, D.C.

Agreement between
John + Michael Hayes
+ James Newman

Copy of

(D.)

Checks for 10

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers, dec'd
Henderson Stee & Margaret his wife, Stotham Chantwell Myers
John. Roe and Polly his wife, Jackson Had & Jane his wife and
Eliza Myers*

to appear before the Justices of our County Court for Lee county, at the Court House, *on the 1st Monday
in November next* to answer

a bill in Chancery exhibited in our said Court against *them* by *Jarvis A. Harris and Lucinda
his wife, formerly Lucinda Newman, James Jefferson Newman, Willis Harris
& Harriett his wife formerly Harriett Newman, Andrew J. Newman, Patterson
Newman, Joseph Newman, Samuel Newman, and Polly Newman,
children & heirs of James Newman, deceased, the last named of whom
are infants under 21 years of age, who sue by James J. Newman, their
next friend.*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,
this *19th* day of *October* 1858, in the *13th* year of the Commonwealth.

H. J. Morgan, Clk.

James Harris & Co.

vs } Spain Chaney

Margaret Myers & al

Nov. Rules 1858

not executed
as the Defendants
are not inhabitants
of this Commonwealth
Nov. The 1st 1858,

John H. Allen
S. L. C.

Spa	25-
7 cop.	112 ^{1/2}
Print	18
Exp	100

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers and
Henderson Hill & Margaret his wife, Walter Gradwell Myers
John Mac and Abby his wife, Nathan Mac & Jane is wife and
Eliza Myers—*

to appear before the Justices of our County Court for Lee county, at the Court House, ^{on} *The 1st Monday*
in November next. to answer

a bill in Chancery exhibited in our said Court against *them* by *James A. Harris and Lucetta,*
his wife, formerly Lucetta, nee Newman, James Jefferson Newman, Willis
Harris, & Harriet his wife formerly Harriet Newman, Andrew
Newman Patterson Newman, Joseph Newman, Samuel Newman,
& Abby Newman, Children & Wives of James Newman deceased
the three first named of whom, and infants under 21 years of age
who dies by James J. Newman their next friend,

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,
this *27th* day of *October* 185*7*, in the *83rd* year of the Commonwealth.

H. J. Morgan, Clk.
A. C. Morgan, Clk.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Wm. S. widow of Michael Myers, dec'd,
Anderson dec'd, & Margaret his wife, Stephen Chewarts Myers, John
Nae, and Emily, his wife Jackson Nae & Jane his wife and
Eliza Myers,*

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 1st Monday*
in November next to answer

a bill in Chancery exhibited in our said Court against *them* by *JAMES A. HARRIS and Secretia*
his wife, formerly Secretia Newman, James Jefferson Newman
Willis Harris & Harriett his wife, formerly Harriett Newman, Andrew
J. Newman, Patterson Newman, Joseph Newman, Samuel Newman,
and Polly Newman, children & heirs of James Newman deceased,
the three last named of whom are infants under 21 years of age,
who sue by James J. Newman, their next friends.

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this

29th day of *October*

1858, in the *83rd* year of the Commonwealth.

H. J. Morgan, Clk,
A Copy List, H. J. Morgan, Clk,

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers and
Henderson Fio & Margaret his wife Strother Chadwell Myers, John
Noe and Polly his wife Jackson Noe & Jane his wife and,
Elizabeth Myers*

to appear before the Justices of our County Court for Lee county, at the Court House, on the *1st* Monday
in November next to answer

a bill in Chancery exhibited in our said Court against *them* by *James A. Harris and Lucetta
his wife, formerly Lucetta Newman, James Jefferson Newman,
Willis Harris & Harriett his wife formerly Harriett Newman, Andrew
J. Newman, Patterson Newman, Joseph Newman, Samuel Newman,
and Polly Newman, children & heirs of James Newman Deceased,
the then last named of whom, are infants under 21 years of
age who sue by James J. Newman. Their next friend,*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,
this *29th* day of *October* 185*8*, in the *33rd* year of the Commonwealth.

H. J. Morgan, Clk.
A Copy Teste—*H. J. Morgan, Clk.*

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers, decd, Henderson Fee, & Margaret his wife, Strother Chadwell Myers, John Poe, and Polly his wife, Jackson Poe & Jane his wife and Eliza Myers*

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 2^d Monday in November next,*

to answer a bill in Chancery exhibited in our said Court against *Them* by *James H. Harris and Succia his wife formerly Succia Newman, James Jefferson Newman, Willis Harris & Harriett his wife formerly Harriett Newman, Amos J. Newman, Patterson Newman, Joseph Newman, Sumner Newman, and Polly Newman, Children and heirs of James Newman deceased, the three last named of whom are infants under 21 years of age, who sue by James J. Newman, their next friend,*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this *29th* day of *October* 1858, in the *83rd* year of the Commonwealth.

H. J. Morgan, C. C.,
A copy to *H. J. Morgan, C. C.,*

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Margaret Myers (widow of Michael Myers deceased)
Stentless. Her & Margaret his wife Strather Chadwell Myers John
Mae and Polly his wife for heirs. Mae and Jane his wife & Elizabeth Myers

to appear before the Justices of our County Court for Lee county, at the Court House, on the 1st Monday in
October next.

a bill in Chancery exhibited in our said Court against *them* by *James A. Harris* to answer
his wife formerly Lucetta Newman James Jefferson Newman
William Harris & Blannett his wife formerly Blannett Newman
Andrew Newman Patterson Newman & Joseph Newman Samuel
Newman and Polly Newman children and heirs of James Newman
deceased the three last named of whom are infants under 21 years
of age who are by James Newman their next friend

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,
this *09th* day of *October* 1858, in the *8th* year of the Commonwealth.

Wm. A. Harris *James J. Newman, etc.*
Henry J. Morgan, etc.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Margaret wife & co-donor of Michael Myers Deed
Anderson and Margaret his wife & brother & daughter Myers
John McLeod & wife Jackson McLeod and James wife and
Eliza Myers*

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 15th day of*
11th November next

a bill in Chancery exhibited in our said Court against

to answer

*them by James W. Harris and Greta
his wife formerly Greta Newman James Jefferson Newman,
Willis Harris & Harriet his wife formerly Harriet Newman
Andrew J. Newman Dutton Newman Joseph Newman Samuel
Newman and Polly Newman Children and heirs of James Newman
deceased the first named of whom are infants under 21
years of age chosen by James Newman their next friend*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this 29
day of *October* 1858, in the 32nd year of the Commonwealth.

Henry J. Morgan, Clk.
A Copy test Henry J. Morgan, Clk.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers dead,*
Anderson and his wife Margaret his wife, Strother Chadwell Myers, John H. H.,
and Polly, his wife Jackson H., and Jane his wife, and Elizabeth Myers,

to appear before the Justices of our County Court for Lee county, at the Court House, on the 1st Monday
in November next.

a bill in Chancery exhibited in our said Court against *them* by *James A. Harris and Lucinda*
his wife, formerly Lucinda Newman; James Jefferson Newman, Willis
Harris and his wife, formerly Harriett Newman, Andrew J.
Newman, William Newman, Joseph Newman, Samuel Newman, and
Polly Newman, Children and heirs of James Newman deceased, the
three last named of whom are infants under 21 years of age, who
are by James J. Newman their next friends

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,
this 29th day of October 1858, in the 83rd year of the Commonwealth.

H. J. Morgan, C. C.
A Copy Dated H. J. Morgan, C. C.

Tax	—	1.00
Spa	—	.25
9 copies	—	1.12 ^{1/2}
Receipt	—	.18
order	—	36
3 copies	—	60
filing bill		15
entering on doct		10
ent. atto		10
copying plate		20
copying Decree		75
copying acquittance		60
" " no 9		20

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Nicholas Myers, dec'd?*
Henderpon Fee, & Margaret his wife. Strother Chadwell Myers, John
Woe and Polly his wife, Jackson Woe & Jane his wife and
Eliza Myers—

to appear before the Justices of our County Court for Lee County, at the Court House, *On the 1st Monday*
in November next.

a bill in Chancery exhibited in our said Court against *them* by *James A. Harris and Lucinda*
his wife, formerly Lucinda Newman, James Jefferson Newman,
Willis Harris & Harriett his wife, formerly Harriett Newman,
Andrew J. Newman, Patterson Newman Joseph Newman, Samuel
Newman, and Polly Newman, Children & heirs of James
Newman deceased, the then last named of whom are infants
under 21 years of age, who sue by James J. Newman their
next friend —

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this
29th day of *October* 185*8*, in the *83rd* year of the Commonwealth.

H. J. Morgan, C. C.
Attest J. H. Morgan, C. C.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Margaret Myers, widow of Michael Myers decd Henderson Fee + Margaret his wife Strother Chadwell Meyers, John Rod and Polly his wife, Jackson Roe + Jane his wife and Eliza Myers,*

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 1st Monday in November next* - - - - - to answer

a bill in Chancery exhibited in our said Court against *Them* by *James A. Harris and Lucetta his wife formerly Lucetta Newman, James Jefferson Newman Willis Harris + Harriett his wife formerly Harriett Newman, Andrew J. Newman, Patterson Newman, Joseph Newman, Samuel Newman + Polly Newman, Children & heirs of James Newman deceased, the last then named of whom are infants under 21 years of age who sue by James J. Newman, their next friend,*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this *29th* day of *October* 185*8*, in the *83rd* year of the Commonwealth.

H. J. Morgan, Clk,
Attest, H. J. Morgan, Clk,

VIRGINIA, Washington County, to wit:

I do hereby certify that the annexed notice has been published, four weeks successively, in the **ABINGDON VIRGINIAN**, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand *Lee* 4 1858

Geo. W. Barr
Jr. Ed. Virginian

Printer's fee \$

VIRGINIA:

AT Rules held in the Clerk's office of the County Court of Lee county, on Monday, the 1st day of November, 1858:

James A. Harris and Lucretia his wife, formerly Lucretia Newman, James Jefferson Newman, Willis Harris and Harriett his wife, formerly Harriett Newman, Andrew J. Newman, Patterson Newman, Joseph Newman, Samuel Newman, and Polly Newman, children and heirs of James Newman, dec'd, the three last named of whom are infants under the age of 21 years, who sue by James J. Newman their next friend,
Complainant,

AGAINST

Margaret Myers, widow of Michael Myers, deceased, Henderson Fee and Margaret his wife, Strother Chadwell Myers, John Noe and Polly his wife, Jackson Noe and Jane his wife, and Eliza Myers,
Defendants,

IN CHANCERY.

The object of this suit is to extract from the defendants, a legal title to the land in the bill mentioned. And it appearing from satisfactory evidence that Margaret Myers, widow of Michael Myers, dec'd, Henderson Fee and Margaret his wife, Strother Chadwell Myers, John Noe and Polly his wife, Jackson Noe and Jane his wife, and Eliza Myers, are not inhabitants of this commonwealth, it is ordered that said defendants do appear here within one month after due publication of this order, and answer the bill of complainants, or do what is necessary to protect their interests; and that a copy of this order be forthwith inserted in some newspaper published in this commonwealth, for four successive weeks, and posted at the door of the Court House of Lee county.

A Copy.—Teste.

H. J. MORGAN, c. c.

Nov. 6, 1858.—4w

"Virginian" Office
Sheldon V

James W. Harris wife & others
1858 To Coale & Mann on
Nov 6 To publishing Chancery Order
against
Margaret Myers & others
3 yrs 4 mks } \$ 5.50

VIRGINIA:

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James A. Harris and Lucretia his wife, formerly Lucretia Newman, James Jefferson Newman, Willis Harris and Harriett his wife, formerly Harriett Newman, Andrew J. Newman, Patterson Newman, Joseph Newman, Samuel Newman, and Polly Newman, children and heirs of James Newman, dec'd, the three last named of whom are infants under the age of 21 years, who sue by James J. Newman their next friend,
Complainant,

AGAINST

Margaret Myers, widow of Michael Myers, deceased, Henderson Fee and Margaret his wife, Strother Chadwell Myers, John Noe and Polly his wife, Jackson Noe and Jane his wife, and Eliza Myers,
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H. J. MORGAN, c. c.

Nov. 6, 1858.—4w